

*Continental Can*

US EPA RECORDS CENTER REGION 5



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**DKHG**

DWYER KINBURN HALL & GOLUB

*A Professional Corporation*

16 Furler Street, Totowa, NJ 07511-0437

Terrence Dwyer, Esq.

E-Mail: TDwyer@DKHGlaw.com

Tel: (973) 785-4100, Ext. 104

Fax: (973) 785-4477

February 3, 2003

**Via Overnight Delivery**

Thomas C. Nash, Esq.

Associate Regional Counsel

United States Environmental Protection Agency

Region 5

77 West Jackson Boulevard

Chicago, Illinois 60604-3590

C-14J

Re: The Chemical Recovery Systems Site, Elyria, OH  
"Peter Kiewit Sons, Inc. f/k/a Continental Can"

Dear Mr. Nash:

I understand from our conversation of today that your office did not receive the letter I sent to you on January 24 of this year. I apologize for any inconvenience. In any event, this firm represents Level 3 Communications, Inc., f/k/a Peter Kiewit Sons, Inc., and Continental Holdings Inc., a third tier subsidiary of Level 3. I am also writing on behalf of Crown Cork & Seal Co., Inc. and Crown Beverage Packaging Company, Inc. All four entities have authorized me to close this settlement on their behalf.

Your December 20, 2002 letter to Level 3 Communications, Inc. conveyed an offer to settle on a de minimis basis for \$7,800 in return for inclusion in the A.O.C. and its concomitant contribution protection and a covenant not to sue. As discussed in our telephone conversation of today, we accept the offer on condition that all the parties potentially responsible for the gallonage at issue be included as respondents in the A.O.C. Those parties are as follows: Crown Beverage Packaging, Inc., f/k/a Continental Can Company, Inc., Crown Cork & Seal Co., Inc., Crown Beverage's parent, Continental Holdings Inc., the company defending this case under an indemnity given to Crown Beverage Packaging, Inc. and Level 3 Communications, Inc., Continental Holdings' indirect parent.

If this request poses any problems, please let me know. Otherwise, an appropriate

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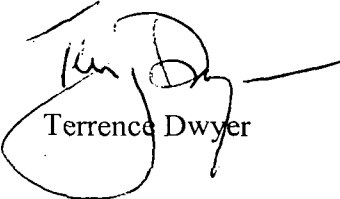
Thomas C. Nash, Esq.

February 3, 2003

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signature page is enclosed.

Sincerely,



Terrence Dwyer

TD/pc

cc: Thomas C. Stortz, Esq. c/o Annie Rodriguez (w/12/20 enc.)  
Tricia Ferguson, Esq. (via fax only, w/encs.)

File No. 34236